

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3766

In re Patent Application of:

John D. Puskas

Application No.: 10/672,586

Confirmation No.: 8660

Filed: September 26, 2003

Examiner: Kristen Droesch Mullen

"METHODS OF INDIRECTLY
STIMULATING THE VAGUS NERVE
WITH AN ELECTRICAL FIELD"

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR §1.97(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is directed to the references which are listed on the attached Forms PTO/SB/08A and PTO/SB/08B. Copies of the foreign and non-patent references listed are enclosed. Please charge the required fee to Deposit Account No. 13-3080. Applicant respectfully requests citation of these references. No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,

Raye L. Daugherty
Reg. No. 47,933

File No. 065071-9052-07
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560



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Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/672,586
Filing Date	September 26, 2003
First Named Inventor	John D. Puskas
Group Art Unit	3766
Examiner Name	Kristen Droesch Mullen
Attorney Docket Number	065071-9052-07

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of

8

U.S. PATENT DOCUMENTS

Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	3,614,995	Probert, et al.	10/26/1971
	3,804,098	Friedman	4/16/1974
	4,088,138	Diack et al.	5/9/1978
	4,161,952	Kinney, et al.	7/24/1979
	4,176,660	Mylrea, et al.	12/4/1979
	4,198,963	Barkalow, et al.	4/22/1979
	4,321,929	Lemelson, et al.	3/30/1982
	4,351,330	Scarberry	9/28/1982
	4,603,705	Speicher, et al.	8/5/1986
	4,715,367	Crossley	12/29/1987
	4,919,147	Reinhardt, et al.	4/24/1990
	4,931,464	Grover, et al.	6/5/1990
	4,952,586	Morris et al.	8/28/1990
	4,960,133	Hewson	10/2/1990
	5,003,991	Takayama, et al.	4/2/1991
	5,007,893	Row	4/16/1991
	5,025,807	Zabara	6/12/1991

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Sheet	2	of	8	Attorney Docket Number	065071-9052-07

U.S. PATENT DOCUMENTS				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		5,036,848	Hewson	8/6/1991
		5,050,600	Parks	9/24/1991
		5,117,822	Laghi	6/2/1992
		5,117,828	Metzger	6/2/1992
		5,156,151	Imran	10/20/1992
		5,178,149	Imburgia, et al.	1/12/1993
		5,179,950	Stanislaw	1/19/1993
		5,179,952	Buinevicius, et al.	1/19/1993
		5,186,170	Varrichio et al.	2/16/1993
		5,188,104	Wernicke et al.	2/23/1993
		5,191,885	Bilof, et al.	3/9/1993
		5,205,285	Baker, Jr.	4/27/1993
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		5,231,988	Wernicke et al.	8/3/1993
		5,235,980	Terry, Jr., et al.	8/17/1993
		5,263,480	Wernicke	11/23/1993
		5,265,623	Kroll, et al.	11/30/1993

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Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		5,269,303	Wernicke et al.	12/14/1993
		5,282,468	Klepinski	2/1/1994
		5,299,569	Wernicke et al.	4/5/1994
		5,304,120	Crandell, et al.	4/19/1994
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		5,365,926	Desai	11/22/1994
		5,379,765	Kajiwarra, et al.	1/10/1995
		5,456,254	Pietroski, et al.	10/10/1995
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		5,476,485	Weinberg, et al.	12/19/1995
		5,531,776	Ward, et al.	7/2/1996
		5,651,378	Matheny et al.	7/29/1997
		5,662,689	Elsberry, et al.	9/2/1997
		5,668,117	Shapiro	9/19/1997
		5,690,681	Geddes, et al.	11/25/1997

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U.S. PATENT DOCUMENTS				
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		5,700,282	Zabara	12/23/1997
		5,707,400	Terry, Jr., et al.	1/13/1998
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		5,782,874	Loos	7/21/1998
		5,791,187	Adams	8/11/1998
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		5,840,076	Swanson, et al.	11/24/1998
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		5,836,994	Bourgeois	11/17/1998
		5,846,263	Peterson et al.	12/8/1998
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		5,874,420	Pelleg	2/23/1999
		5,889,033	Kaminski	3/30/1999
		5,893,881	Elsberry, et al.	4/13/1999

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U.S. PATENT DOCUMENTS

Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		5,893,882	Peterson et al.	4/13/1999
		5,928,272	Adkins, et al.	7/27/1999
		5,964,789	Karsdon	10/12/1999
		5,971,911	Wilk	10/26/1999
		5,995,872	Bourgeois	11/30/1999
		6,006,134	Hill et al.	12/21/1999
		6,007,559	Arkans	12/28/1999
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		6,042,538	Puskas	3/28/2000
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		6,101,412	Duhaylongsod	8/8/2000
		6,103,722	Schultz, et al.	8/15/2000
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		6,185,459	Mehra et al.	2/6/2001
		6,234,985	Lurie, et al.	5/22/2001
		6,253,108	Rosborough, et al.	6/26/2001

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U.S. PATENT DOCUMENTS				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		6,266,564	Hill et al.	7/24/2001
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		6,299,564	Gessler	10/9/2001
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		6,656,960	Puskas	12/12/2003

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U.S. PATENT DOCUMENTS				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		6,711,436	Duhaylongsod	3/23/2004
		6,718,208	Hill et al.	4/6/2004
		6,721,603	Zabara et al.	4/13/2004
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		2004/0186517	Hill et al.	9/23/2004
		2004/0186531	Jahns et al.	9/23/2004

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U.S. PATENT DOCUMENTS				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		2004/0199209	Hill et al.	10/7/2004
		2005/0096707	Hill et al.	5/5/2005
		2005/0143412	Puskas	6/30/2005
		RE38,654	Hill, et al.	11/23/2004
		RE38,705	Hill, et al.	1/22/2005

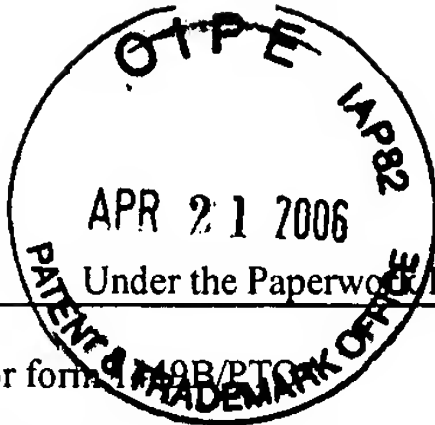
FOREIGN PATENT DOCUMENTS							
Examiner Initials		Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract
		CA	2,310,183	Puskas	8/26/1998		X
		JP	2000-507363	Puskas	8/26/1998		
		MX	2043	Puskas	8/26/1998		
		AU	9890156	Duhaylongsod	3/1/1999	X	
		AU	779255	Puskas	6/23/2000		X
		CA	2,376,903	Puskas	6/23/2000		X
		JP	2001-505980	Puskas	6/23/2000		
		EP	1005337	Puskas	5/11/2005	X	

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Sheet	1	of	4	Attorney Docket Number	065071-9052-07

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		AGNEW, William F., et al., "Considerations for Safety with Chronically Implanted Nerve Electrodes, Epilepsia, 31(Suppl. 2), 1990, pp. S27-S32, Raven Press, Ltd., New York.
		Declaration/Clarification of John D. Puskas, MD., dated October 11, 2005, pp. 1-7.
		GOODMAN AND GILMAN'S, The Pharmacological Basis of Therapeutics, 6th Ed., MacMillan Publishing Co., Inc., New York, pp. 93-94 and 104-108, 1980.
		GORMAN, Christine, et al., "How New Heart-Scanning Technology Could Save Your Life," Time, September 5, 2005, pp. 61 and 67.
		HAMMOND, Edward J., et al., "Vagus Nerve Stimulation in Humans: Neurophysiological Studies and Electrophysiological Monitoring," Epilepsia, 31 Suppl. 2), 1990, pp. S51-S59, Raven Press, Ltd., New York.
		LOCKARD, Joan S., et al., "Feasibility and Safety of Vagal Stimulation in Monkey Model," Epilepsia, 31(Suppl. 2), 1990, pp. S20-S26, Raven Press, Ltd., New York.
		NOBREGA, et al., "Resting and Reflex Heart Rate Responses During Cholinergic Stimulation With Pyridostigmine in Humans," Brazilian J. Med. Biol. Res, Vol. 29, No. 11, pp. 1461-1465, 1996 (Abstract Only).
		PENRY, J. Kiffin, et al., "Prevention of Intractable Partial Seizures by Intermittent Vagal Stimulation in Humans: Preliminary Results," Epilepsia, 31(Suppl. 2), 1990, pp. S40-S43, Raven Press, Ltd., New York.
		RUTECKI, Paul, "Anatomical, Physiological, and Theoretical Basis for the Antiepileptic Effect of Vagus Nerve Stimulation," Epilepsia, 31(Suppl. 2), 1990, pp. S1-S6, Raven Press, Ltd., New York.

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Sheet	2	of	4	Attorney Docket Number	065071-9052-07

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		TERRY, Reese, et al., "An Implantable Neurocybernetic Prosthesis System," Epilepsia, 31 (Suppl. 2, 1990, pp. S33-S37, Raven Press, Ltd. New York.
		THOMPSON, et al., "Bradycardia Induced by Intravascular Versus Direct Stimulation of the Vagus Nerve," Ann. Thorac. Surg., 1998; 65: 637-42.
		URTHALER, James F., "Experimental Studies on the Pathogenesis of Asystole After Verapamil in the Dog," Am. J. Cardiol., Vol. 44, No. 4, pp. 651-656, 1979 (Abstract Only).
		UTHMAN, Basim M., et al., "Efficacy and Safety of Vagus Nerve Stimulation in Patients with Complex Partial Seizures," Epilepsia, 31(Suppl. 2), 1990, pp. S44-S50, Raven Press, Ltd., New York.
		WOODBURY, Dixon M., et al., "Effects of Vagal Stimulation on Experimentally Induced Seizures in Rats," Epilepsia, 31(Suppl. 2), 1990, pp. S7-S19, Raven Press, Ltd., New York.
		BENNETTI, F.J., "Direct Coronary Artery Surgery with Saphenous Venin Bypass Without Either Cardiopulmonary Bypass or Cardiac Arrest, J. Cardiovasc. Surg., 26:217-222.
		BENETTI, et al., "Use of Thoracoscopy and a Minimal Thoracotomy, in Mammary-Coronary Bypass to Left Anterior Descending Artery, Without Extracorporeal Circulation," J. Cardiovasc. Surg., 36:159-161.
		WESTABY, S., "Coronary Surgery Without Cardiopulmonary Bypass," British Heart Journal, 73:203-205.
		RANDALL, Walter C., PhD., "Parasympathetic Control of the Heart," Chapter 4, Nervous Control of Cardiovascular Function, 1984, pp. 68-94.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/672,586
				Filing Date	September 26, 2003
				First Named Inventor	John D. Puskas
				Group Art Unit	3766
				Examiner Name	Kristen Droesch Mullen
Sheet	3	of	4	Attorney Docket Number	065071-9052-07

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		LEVY, M. et al., "Autonomic Control of Cardiac Pacemaker Activity and Atrioventricular Transmission," Journal of Applied Physiology, vol. 27, No. 4, October 1969.
		DiMARCO, J. P., M.D., et al., "Adenosine: Electrophysiologic Effects and Therapeutic Use for Terminating Paroxysmal Supraventricular Tachycardia," Therapy and Prevention Arrhythmia, Circulation 68, No. 6, 1983, pp. 1254-1263.
		MOHIUDDIN, S. M., M.D., et al., "Safety of Different Dosages of Intravenous Adenosine Used in Conjunction with Diagnostic Myocardial Imaging Techniques," Pharmacotherapy, 1993, 13(5), pp. 476-480.
		FREILICH, A., M.D., et al., "Adenosine and its Cardiovascular Effects," American Heart Journal, vol. 123, No. 5, May 1992, pp. 1324-1328.
		KLASSEN, et al., "Coronary Venous Pressure and Flow: Effects of Vagal Stimulation, Aortic Occlusion, and Vasodialators," Can. J. Physiol. Pharmacol., 1983, 62:531-538.
		BELL, et al., "Inotropic Responses of the Left Ventricle to Changes in Heart Rate in Anesthetized Rabbits," Can. J. Physiol. Pharmacol., 65:179-184.
		PFISTER, et al., "Coronary Artery Bypass Without Cardiopulmonary Bypass," Ann. Thorac. Surg., 54:1085-92.
		FANNING, et al., "Reoperative Coronary Artery Bypass Grafting Without Cardiopulmonary Bypass," Ann. Thorac. Surg., 55:486-489.
		PACE, (on the use of nerve cuff stimulation of the vagal nerves, October 1992, Vol. 15, No. 10, pt. 11, pp. 1543-1630.

Examiner Signature		Date Considered	
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Sheet	4	of	4	Attorney Docket Number	065071-9052-07

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
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		BRODDE, Otto-Erich, et al., "Cardiac Muscannic Receptors Decrease with Age In Vitro and In Vivo Studies," Journal of Clinical Investigation, 1998, Vol. 101, No. 2, pp. 471-478.
		REID, Steven A., "Surgical Technique for Implantation of the Neurocybernetic Prosthesis," Epilepsia, 1990, 31 (suppl. 2): 538-539.

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